

Section	Violation	Willful violation
(b) Failure to use required equipment	2,500	5,000
(c) Failure to administer test in room that meets requirements	2,500	5,000
(d) Complete failure to calibrate	5,000	7,500
(1) Failure to perform daily calibration as required	2,000	4,000
(2) Failure to perform annual calibration as required	2,000	4,000
(3) Failure to perform exhaustive calibration as required	2,000	4,000
227.115 Hearing protectors (HP):		
(a) Failure to comply with general requirements	3,000	6,000
(b) Failure to make HP available as required	2,500	5,000
(c) Failure to require use of HP at action level	5,000	7,500
(d) Failure to require use of HP at TWA of 90 dB(A)	5,000	7,500
227.117 Hearing protector attenuation:		
(a) Failure to evaluate attenuation as required	2,500	5,000
(b)–(c) Failure to attenuate to required level	2,500	5,000
(d) Failure to re-evaluate attenuation	2,500	5,000
227.119 Training program:		
(a) Failure to institute a training program as required	5,000	7,500
(b) Failure to provide training within required time frame	2,500	5,000
(c) Failure of program and/or training materials to include required information	2,500	5,000
227.121 Recordkeeping:		
(a) General Requirements:		
(1) Failure to make record available as required	2,500	5,000
(3) Failure to transfer or retain records as required	2,000	4,000
(b)–(f) Records:		
(1) Failure to maintain record or failure to maintain record with required information	2,000	4,000
(2) Failure to retain records for required time period	2,000	4,000

PART 228—HOURS OF SERVICE OF RAILROAD EMPLOYEES

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AUTHORITY: 49 U.S.C. 20103, 20107, 21101–21108; 28 U.S.C. 2461, note and 49 CFR 1.49.

SOURCE: 37 FR 12234, June 21, 1972, unless otherwise noted.

Subpart A—General

§ 228.1 Scope.

This part—

(a) Prescribes reporting and record keeping requirements with respect to the hours of service of certain railroad employees; and

(b) Establishes standards and procedures concerning the construction or reconstruction of employee sleeping quarters.

[43 FR 31012, July 19, 1978]

§ 228.3 Application.

(a) Except as provided in paragraph (b), this part applies to all railroads.

(b) This part does not apply to:

(1) A railroad that operates only on track inside an installation which is not part of the general railroad system of transportation; or

(2) Rapid transit operations in an urban area that are not connected with

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the general railroad system of transportation.

[54 FR 33229, Aug. 14, 1989]

§ 228.5 Definitions.

As used in this part:

(a) *Administrator* means the Administrator of the Federal Railroad Administration or any person to whom he delegated authority in the matter concerned.

(b) *Carrier, common carrier, and common carrier engaged in interstate or foreign commerce by railroad* mean railroad as that term is defined below.

(c) *Employee* means an individual employed by the common carrier who (1) is actually engaged in or connected with the movement of any train, including a person who performs the duties of a hostler, (2) dispatches, reports, transmits, receives, or delivers orders pertaining to train movements by the use of telegraph, telephone, radio, or any other electrical or mechanical device, or (3) is engaged in installing, repairing or maintaining signal systems.

(d) *Railroad* means all forms of non-highway ground transportation that run on rails or electromagnetic guideways, including (1) commuter or other short-haul rail passenger service in a metropolitan or suburban area, and (2) high speed ground transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with traditional railroads. Such term does not include rapid transit operations within an urban area that are not connected to the general railroad system of transportation.

[54 FR 33229, Aug. 14, 1989]

Subpart B—Records and Reporting

§ 228.7 Hours of duty.

(a) For purposes of this part, time on duty of an employee actually engaged in or connected with the movement of any train, including a hostler, begins when he reports for duty and ends when he is finally released from duty, and includes—

(1) Time engaged in or connected with the movement of any train;

(2) Any interim period available for rest at a location that is not a designated terminal;

(3) Any interim period of less than 4 hours available for rest at a designated terminal;

(4) Time spent in deadhead transportation en route to a duty assignment; and

(5) Time engaged in any other service for the carrier.

Time spent in deadhead transportation by an employee returning from duty to his point of final release may not be counted in computing time off duty or time on duty.

(b) For purposes of this part, time on duty of an employee who dispatches, reports, transmits, receives, or delivers orders pertaining to train movements by use of telegraph, telephone, radio, or any other electrical or mechanical device includes all time on duty in other service performed for the common carrier during the 24-hour period involved.

(c) For purposes of this part, time on duty of an employee who is engaged in installing, repairing or maintaining signal systems includes all time on duty in other service performed for a common carrier during the 24-hour period involved.

[37 FR 12234, June 21, 1972, as amended at 43 FR 3124, Jan. 23, 1978]

§ 228.9 Railroad records; general.

(a) Records maintained under this part shall be—

(1) Signed by the employee whose time on duty is being recorded or, in the case of train and engine crews, signed by the ranking crew member;

(2) Retained for 2 years; and

(3) Available for inspection and copying by the Administrator during regular business hours.

(b) [Reserved]

§ 228.11 Hours of duty records.

(a) Each carrier shall keep a record of the following information concerning the hours of duty of each employee:

(1) Identification of employee.

(2) Place, date, and beginning and ending times for hours of duty in each occupation.